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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,201

12/08/2005

Timothy Freeze

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EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

MAIL DATE

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05/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,201	<b>Applicant(s)</b> FREEZE, TIMOTHY	
	<b>Examiner</b> Luan K. Bui	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/8/05 &amp; 7/20/2007</u> .                                 | 6) <input type="checkbox"/> Other: ____.                          |

*Specification*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

2. The specification is objected to under 37 CFR 1.71, because failing to provide an adequate written description of the invention. The specification fails to provide “at least one aperture panel”, “at least one blister tray”, “at least one gate panel” and “at least one tab panel” in claim 1 and “at least one display panel” in claims 3 and 4 because the specification and drawings disclose an aperture panel, a blister tray, a gate panel and a tab panel only. The specification and drawings also fail to disclose at least one display panel.

3. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

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claimed invention.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with indefinite language too numerous to mention specifically, and should be revised carefully. For example only, the phrases "said tray", "said aperture panel", "said aperture", "said gate", "said tab", "said tab panel" and "said gate panel" in claim 1 (many places), "said gate panel" and "said tab" in claim 2, "said aperture panel" in claim 3, "said gate panel" in claim 4 and "said tab", "said tab panel" and "said gate panel" in claim 5 lack proper antecedent basis. In claim 6, the phrases "leaving at least one gate" and "upon moving" are inaccurate and indefinite. In claim 25, the phrase "permitting removing of products from the blisters through the gates" define the blank in reference to blisters which are undefined and have not been positively claimed rendering the claims vague and indefinite because it is not clear what structural limitations applicant intends to encompass with such language.

The applicant is required to make corrections to the claims wherever appropriate in order to clarify same.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-26 and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (2003/0213721). Jones discloses an apparatus (100, 300, 400) comprising an aperture panel (8) having at least one aperture (5), a blister tray (200) with at least some portion (3) of the tray protruding through the aperture panel, a gate panel (12) secured to the aperture panel with at least one gate (4, 41, 42) that is substantially dimensioned and aligned with the at least one aperture so that the at least one gate is substantially aligned with the at least one aperture when the gate panel is in contact with the aperture panel and a tab panel (7) secured to the aperture panel with at least one substantially detachable tab (9) that is substantially dimensioned and aligned with the at least one gate so that the at least one detachable tab is substantially aligned with the at least one gate when the tab panel is in contact with the gate panel.

As to claim 2, Jones discloses perforated region (4, 41, 42, paragraph 0017).

As to claims 3-4, Jones further discloses at least one display panel (6) secured to the aperture panel.

As to claim 5, Jones discloses the at least one tab (9) of the tab panel is not secured to the gate panel (paragraph 0018).

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As to claim 6, Jones discloses at least one blister (3), an aperture panel (8), a gate panel (12) and a tab panel (7).

As to claims 7-11, see paragraphs 0015 and 0018.

As to claims 13 and 15, Jones discloses two sealed package trays 200 (paragraph 0017) which is considered equivalent to a backing on the at least one blister as claimed.

As to claim 17, Jones discloses the tab panel (7) includes a glue tab (10) disposed at a centre of the tab panel which attached to the gate panel which is considered equivalent to the tab panel is centrally glued to the gate panel as claimed.

As to claim 23, Jones discloses the tabs (9) have perforations (15) around edges of the tabs and have accessible ends for lifting the ends.

Claims 28-33 are anticipated by the method of making the package of Jones.

8. Claims 1-7, 9-16, 18-23, 25, 26 and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Paliotta et al. (6,659,280; hereinafter Paliotta'280).

9. Paliotta'280 discloses an apparatus (110) comprising an aperture panel (D) having at least one aperture (62), a blister tray (BP) with at least some portion (Figure 4) of the tray protruding through the aperture panel, a gate panel (C) secured to the aperture panel with at least one gate (52, 54, 56) that is substantially dimensioned and aligned with the at least one aperture so that the at least one gate is substantially aligned with the at least one aperture when the gate panel is in contact with the aperture panel and a tab panel (A) secured to the aperture panel with at least one substantially detachable tab (22) that is substantially dimensioned and aligned with the at least one gate so that the at least one detachable tab is substantially aligned with the at least one gate when the tab panel is in contact with the gate panel.

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As to claim 2, Paliotta'280 discloses perforated region (54).

As to claims 3-4, Paliotta'280 further discloses at least one display panel (E, F) secured to the aperture panel.

As to claim 5, Paliotta'280 discloses the at least one tab (22) of the tab panel is not secured to the gate panel (column 4, lines 7-8).

As to claim 6, Paliotta'280 discloses at least one blister (BP), an aperture panel (D), a gate panel (C) and a tab panel (A).

As to claims 7-11, see Figure 4.

As to claims 13 and 15, Paliotta'280 discloses a backing (fp, Figure 4).

As to claim 23, Paliotta'280 discloses the tabs (22) have perforations (24) around edges of the tabs and have accessible ends (26) for lifting the ends.

Claims 28-33 are anticipated by the method of making the package of Paliotta'280.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (2003/0213721) or Paliotta et al. (6,659,280; hereinafter Paliotta'280) in view of Boone (4,870,764). Jones or Paliotta'280 discloses the package blank as above having most of the limitations of the claim except for the aperture panel comprises opposite lateral edges with the

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gat panel and the tab panel have later edges being joined respectively to the opposite lateral edges of the aperture panel.

Boone shows a package blank comprising an aperture panel (1) having at least one aperture (4) and opposite lateral edges, a gate panel (11) and a panel (3) having lateral edges joined respectively to the opposite lateral edges of the aperture panel. It would have been obvious to one having ordinary skill in the art in view of Boone to modify the package blank of Jones or Paliotta'280 so the aperture panel comprises opposite lateral edges and the gate panel and the tab panel joined respectively to the opposite lateral edges of the aperture panel because the selection of the specific arrangement such as the arrangement of the aperture panel as claimed or discloses by Jones or Paliotta'280 or Boone would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb  
May 13, 2008

/Luan K. Bui/  
Primary Examiner  
Art Unit 3728